

**CITY OF NEWARK
DELAWARE**

COUNCIL MEETING MINUTES

May 29, 2018

Those present at 6:00 p.m.:

Presiding:	Mayor Polly Sierer District 1, Mark Morehead District 2, Jerry Clifton District 3, Jen Wallace District 4, Chris Hamilton District 5, Jason Lawhorn District 6, Stu Markham
Staff Members:	Acting City Manager Tom Coleman City Secretary Renee Bensley City Solicitor Paul Bilodeau Communications Manager Kelly Bachman Communications Officer Megan McGuriman Acting Deputy City Manager Mark Farrall Finance Director David Del Grande Parks and Recreation Director Joe Spadafino Acting Public Works & Water Resources Directory Tim Filasky Assistant to the Managers Mark Brainard

1. Ms. Sierer called the meeting to order at 6:00 p.m.

2. **EXECUTIVE SESSION**

- A. Executive Session pursuant to 29 *Del. C.* §10004 (b)(4) and (6) for the purpose of a strategy session involving legal advice from an attorney-at-law, with respect to potential litigation when an open meeting would have an adverse effect on the litigation position of the public body and discussion of the content of documents, excluded from the definition of "public record" in § 10002 of this title where such discussion may disclose the contents of such documents
- B. Executive Session pursuant to 29 *Del. C.* §10004 (b)(4) and (6) for the purpose of a strategy session involving legal advice from an attorney-at-law, with respect to potential litigation when an open meeting would have an adverse effect on the litigation position of the public body and discussion of the content of documents, excluded from the definition of "public record" in § 10002 of this title where such discussion may disclose the contents of such documents
- C. Executive Session pursuant to 29 *Del. C.* §10004 (b) (4) and (9) for the purpose of a strategy session involving legal advice from an attorney-at-law, with respect to potential litigation when an open meeting would have an adverse effect on the litigation position of the public body and for discussing personnel matters in which the names, competency and abilities of individual employees are discussed
- D. Executive Session pursuant to 29 *Del. C.* §10004 (b) (9) for the purpose of discussing personnel matters in which the names, competency and abilities of individual employees are discussed.

MOTION BY MR. MARKHAM, SECONDED BY MR. CLIFTON: TO ENTER EXECUTIVE SESSION PURSUANT TO TITLE 29, SECTION 10004 FOR TWO ITEMS FOR (B)(4) AND (B)(6) SUBSECTIONS AND FOR ITEMS (B)(4) AND (B)(9) SUBSECTIONS FOR THE PURPOSE OF A STRATEGY SESSION INVOLVING LEGAL ADVICE AND A MOTION FOR TITLE 29, SECTION 10004 (B)(9) FOR THE PURPOSE OF DISCUSSING PERSONNEL MATTERS IN WHICH THE NAMES, COMPETENCY AND ABILITIES OF INDIVIDUAL EMPLOYEES ARE DISCUSSED.

MOTION PASSED. VOTE: 6 to 0.

Aye – Clifton, Hamilton, Lawhorn, Markham, Morehead, Sierer.
Nay – 0.

Absent – Wallace.

Council entered executive session at 6:00 p.m. and exited executive session at 7:00 p.m.

3. MOTION BY MR. MARKHAM, SECONDED BY MR. MOREHEAD: TO MOVE ITEM 10B TO FOLLOW ITEM 5.

MOTION PASSED. VOTE: 6 to 0.

Aye – Clifton, Hamilton, Lawhorn, Markham, Morehead, Sierer.
Absent – Wallace.

4. Ms. Sierer asked for a moment of silence and the Pledge of Allegiance.

5. 1. **PUBLIC PRESENTATIONS:**

- A. Resolution No. 18-_: A Resolution Congratulating the Newark Charter Girls Swim Team on Winning the DIAA Swimming State Championship

2:00

Ms. Sierer read the resolution into the record and presented it to the team members, coaches and school personnel.

MOTION BY MR. MARKHAM, SECONDED BY MR. CLIFTON: TO APPROVE THE RESOLUTION CONGRATULATING THE NEWARK CHARTER GIRLS SWIM TEAM ON WINNING THE DIAA SWIMMING STATE CHAMPIONSHIP.

MOTION PASSED. VOTE: 6 to 0.

Aye – Clifton, Hamilton, Lawhorn, Markham, Morehead, Sierer.
Absent – Wallace.

(RESOLUTION NO. 18-L)

6. 2. **ITEMS NOT ON PUBLISHED AGENDA**

- A. Elected Officials who represent City of Newark residents or utility customers

6:56

State Representative Paul Baumbach was present to address any questions Council may have on the upcoming bills to be discussed such as the proposed bill on the lodging tax. There were no questions from Council. He reported his next monthly constituent coffee will be Wednesday, June 6 at the Green Turtle from 8:30-10:00 a.m. and Governor Carney would be in attendance.

7. 2-B. **UNIVERSITY**

- (1) Administration

07:45

Caitlin Olsen, UD Government Relations, shared on Saturday, May 26 over 6,000 graduates received their degrees with 2,672 of the students being Delawareans. The youngest graduate was 19 and the oldest graduate was 82. She reported there will be a summer farmers' market. It would begin June 21 and will be held in Mentor's Circle from 11 a.m.-2 p.m. During rain events, it will be held inside Perkins Hall. There would be locally grown produce, baked goods and a lunch special. She reported after the incident on the previous Thursday at UD fountain, staff and law enforcement were looking into various solutions for the future. She noted any questions or concerns could be directed to UDPD Chief Pat Ogden. His contact information is pogden@udel.edu. His phone number is 831-4135.

Mr. Morehead believes after reading the various articles in the media on the matter that UD did this to themselves. He noted ChapelFest took four years to get it out of the memory. He believes this lesson should be brought back up again.

Mr. Hamilton said he appreciated Ms. Olsen mentioning the issue. He agrees with Mr. Morehead and said he was stunned to read the News Journal reported this is a "bucket list" thing. He said if this the case he wondered why a police officer was not stationed there at night. He believed there may be a better way for students to do this as he believed the details were a little shocking.

8. 2-B-2. **STUDENT BODY REPRESENTATIVE:** None

9. 2-C. **CITY MANAGER:**

11:35

- Reported the referendum election is three weeks away on June 19. Outreach efforts continue with signs and banners. Direct outreach efforts will be done as well.
- Noted payments and utility billing would be closed temporarily on Wednesday, May 30 until 11:00 a.m. for staff training and professional development.
- Reminded all that there will be a modified refuse collection schedule and no “Green Wednesday” yard waste would be picked up on Wednesday, May 30.
- Reported the 2018 Water Main Flushing schedule was distributed. It would begin Monday, June 4 and be done at night. Additional information is available on the City’s website.
- Wanted Council direction on whether the third-party rental inspection should return to Council for further consideration. It was proposed previously and discussed.

Ms. Sierer asked if there were new ideas and options or was it the same as previously presented. Mr. Coleman said he believes the intention was to return with the same plan for additional discussion to determine a path forward and whether the plan should be modified.

Mr. Hamilton said he would like the matter brought back to Council. He voted against it at first, but he believes there needs to be further discussion. He said a year’s experience with some of the issues the City has had made him feel he would want to revisit the issue.

Mr. Morehead reminded all he is a landlord, and this affects him. If the item is brought back, the full data of the compliance and the issues that were found during inspections when they were not required should be included to compare what is believed rather than just saying they should have inspections.

Mr. Markham had difficulty recalling details of the conversation. However, he said if he remembered correctly, it had support from the Landlords Association but did not have support from some individual landlords that spoke. He was not certain another conversation would have a different outcome.

Mr. Clifton agreed with Mr. Morehead, but he was willing to have the conversation again. He was a proponent of taking a different route in a self-certification process. In other words, a City inspector can inspect if desired to a certified self-inspection by the property owner. If it pertains to safety, the property owner can ascertain and certify this on their own.

Mr. Lawhorn said he was not on Council during the previous conversation and would welcome the return of the discussion.

Ms. Sierer would like the matter to return for further discussion. She would like to entertain new ideas as well.

10. 2-D. COUNCIL MEMBERS:

16:00

Ms. Sierer:

- Thanked Mr. Markham for chairing the Council meetings she was not able to attend.

Mr. Clifton:

- Reported the Memorial Day Parade was a very humbling and reverent event. He thanked NPD, Public Works and everyone else who contributed to making this annual event a success.
- Noted the Tuesday, June 5 referendum presentation at the Newark Senior Center at 6:30 p.m.
- Noted the discussion had been held about the retiree pay increases. He said by Code every three years as trustees of the retirement accounts it is important that Council review, whether it is positive or negative, increases for the City retirees. He said apparently this had not been done last year and he would like to know when this is going to come before Council. Mr. Coleman said he does not recall but will try to get this on an upcoming agenda. He does know it is being worked on.
- Reported he and Mr. Coleman met with members of the liquor store communities. He noted they are have an issue with paying \$1,950 for a license that is effectively the same license they are paying approximately \$800 from the state for. They feel they are being unfairly singled out. They would like to present their case to Council. He would like this item placed on the agenda.
- He asked if the climate survey was finished and would the results come directly to Council. Mr. Coleman said the consultant would provide an executive summary within a week and a full report within two weeks.
- Reported he had the pleasure of welcoming the New Castle County Chamber of Commerce members to the Marriott Courtyard on May 18 for their event. Following the event, he spoke to an attendee who resides in West Chester, PA but said he loves Newark and would like to move to Newark,

however he had faced some parking issues. He said when he went into the City Parking Office he experienced great customer service and he was very impressed.

Mr. Lawhorn:

- Reported he has been meeting with Department Directors in the City and wanted to thank them for their time.
- Noted he toured the water plants and said it was very informative and enlightening especially since the referendum is approaching. He said during one of these events he and staff came across some emergency road work. He believed this was a good example of what is being addressed with the referendum as in this case there was a stormwater pipe going under the street and it had severely corroded and was falling apart. As a result, emergency work had to be done and the cost was probably about \$90,000 rather than the approximate \$20,000 it would have been had it been taken care of.
- Reported he will have a newsletter to residents of District 5. He asked interested parties to provide their contact information to him.
- Received an email from Mr. Morehead regarding a communication that is now on the website and going out. He wanted to address some of the topics in the email. He believed Mr. Morehead was saying the City was misrepresenting the referendum to some of the voters. The specific points were if the referendum fails the City will need to reconsider the Capital Budget and work with Council to reprioritize and potentially raise additional revenue and could include a tax increase. He believed Mr. Morehead felt this was heavy-handed fear mongering in support of debt financing. Mr. Lawhorn was on the opposite end of this and believed it was the most important statement in there and expresses how critical the referendum is and what the results are if it does not pass. Debt financing was being considered to pay for projects that for the most part he believed people felt these projects were important and needed to be completed and they did need to be paid. The City either uses debt financing or the City pays for the projects some other way and he believed the only other way would be to either severely cut City services, raise taxes or raise rates. He noted it was a fair debate for people to have and he strongly encouraged people to attend the public forums. He also noted there was a graph that clearly showed the debt financing does extend to 2043 and he believed that was an important point for people to understand what debt is and what it cost. Debt financing does cost money. He believed the City was doing a good job to show what the cost was to individuals and reminded everyone the total cost over 25 years was \$10 million. He did not believe the document had to be redone to reflect the \$10-million number but believed it should be included in future presentations. He also believed some of the items referred to as routine maintenance are not necessarily a fair representation of what the projects really are. He reminded all that the City had a massive amount of infrastructure that was failing at the same time. He said currently there is not a second round of financing planned and the discussion should be held and be aware of. He does not believe there are many variables with much risk and uncertainty and trying to predict where the City's financial situation would be in five years was difficult and should not be put in a document and distributed.

Mr. Hamilton:

- Echoed Mr. Clifton's comments about the Memorial Day parade. He encouraged all to attend the annual ceremony and reminded people what is for.
- Reported the UDon't Need It program was still being held until the end of the week. He encouraged all to go and said it was a great program between the City and UD.
- Reported "Delabration" was coming up and appreciated UD opening the event to locals. He encouraged all to check the website.
- Reminded all Wednesday, June 6 was another public meeting regarding the referendum.
- Shared that Wednesday, June 13 was UD's Futures workshop at 6:00 p.m. at the Trabant Center. He would attend and encouraged Council and the public to attend. He was trying to encourage better cooperation and more cooperation with UD as they are a great resource and a great partner.

Mr. Morehead:

- Echoed Mr. Hamilton about the UDon't Need It program. He believed it had been an asset to the City in cutting down the added cost to remove unwanted furniture and accessories from the streets of Newark after move out from student rentals.
- Reported he and Mr. Hamilton attended DEMEC's annual joint Council briefing on May 22 and heard once again electric use across the country has flatlined both in residential and commercial. Residents are conserving and there is better efficiency as people are replacing old appliances that are not energy efficient. This has direct implications to the City's finances in the future. There was a philosophy of rate design presented at the meeting for electric rates that was also presented last year but has changed in just one year. As such, the City has fallen behind further in its rates based solely on usage. The current rate was called a reducing rate and although it is good for the environment, it is bad for large businesses and large users. The result is the City not being able to cover costs. He believed they needed to look at their electric rates and rate design. He asked Council take this seriously.

- Noted there will be another referendum presentation by staff on Thursday, May 31. He asked for people to attend so everyone can be up to speed. He reminded everyone of the document that will be sent to every household in Newark. He believes that was important. If they were going to ask voters to vote and take on the authority of educating the voters on the issues, they deserve to know both sides of the issues.

He had several things he believed were important. The statement noting that if a referendum fails the City and Council will need to raise additional revenue through rate and tax increases was a direct quote. He said the truth is if the referendum passed, the City would be raising rates and have tax increases to pay for it. He had concerns the document was officially putting on paper the position that, while it was true, he felt it was not the whole story. He noted there are two tables, one showing if they were to debt finance and the other if they were to cash finance. There would be a \$10 million interest payment over the course of the loans.

He said regarding his comment about routine maintenance, prior to when he was a Council member, staff fixed things that broke and several administrations ago, they came to understand they would be better off doing preventive maintenance. With the replacement of one mile of water main per year, there were over 100 miles of water lines. This process had been continued and he believed this was routine maintenance. The City has a lot of infrastructure and this referendum discussed the next four miles of water mains out of over 100 miles, so to imply by doing this everything would be good he thought was not a fair assessment and not reality.

He said the voter qualifications page is not correct or complete depending on how it was viewed. His perspective was that the document should be accurate and inclusive. He wanted people to be educated and give them enough information to make an informed choice.

11. 2-F. PUBLIC COMMENT:

40:45

Sarah Bucic, Wilmington resident, said in June 2017, the Conservation Advisory Commission recommended to Council that it refurbish the City's water tanks using best practices and relayed a series of recommendations. One of the main points was to inform the public of the dangers of lead exposure. Considering these recommendations, and what Council said subsequently in a September 2017 meeting, she felt it was rather frightening that over two years passed after the breach of containment of lead into at least two documented residential family yards and that remedial action is still being discussed. The main concern she wanted to raise was that no blood tests were recommended for anyone in this area during this period. In an email from October 5, 2017, Mr. Coleman stated to her and numerous others there was no notification to the community or homes following the containment breach. DNREC informed the City the removal and the cleanup of the paint chips was sufficient, and it is her understanding that no notification was necessary, which was a quote. Mr. Coleman went on to state that "the homeowner was aware that the paint was lead-based, however, we have not advised him to have blood tests taken". She suggested if the lead levels were high enough to trigger remediation, she would like to know why health precautions were not being taken considering the permanent health effects of lead paint exposure.

Lastly, Mr. Coleman noted last July of 2017, that it was the City's intention to address soil contamination that was identified as being a result of the City's tower, not just limited to the one homeowner's property. While she understands that the remediation of one property is underway, and she is very happy about that, she believes it is very concerning that at least one additional yard, which was documented in the FOIA has yet to be addressed.

In October of 2017, Mr. Coleman stated in an email, "We took two additional samples on October 6th on the adjacent property, which will be reviewed. Pending the results of the samples, we will be able to decide on future work on the neighbor's property." Mr. Coleman goes on to state that there were no other properties identified as being potentially impacted by the release. She would like to know how it is determined there were no other properties impacted and asked for the results from the October 6, 2017 soil samples. She would like to know how they were obtained and if the homeowner had been notified.

Ms. Bucic said it was her understanding that Mr. Coleman recently committed to further soil testing on the surrounding properties, and she would like residents in the area to have more information on the process and how the samples would be obtained, would they be surface samples, and when homeowners could expect the results.

Amy Roe, District 4, wanted to speak again about lead paint and express her disappointment that she believed the City was not addressing the three action items that were to be accomplished by the end of last year. They are the report on how the Windy Hills water tower incident occurred, updates to the

Municipal Code and updates to the contract language to prevent it from ever happening again. She did not understand the delay. At the last Council meeting, a second property owner came forward to share that he had found paint chips in his yard. These were paint chips that they knew of because of FOIA and she believed the City of Newark was already aware of. Yet she believed the City had yet to disclose to these families that the chips contained lead, and to date the City had not told any of these families to have their blood tested for lead poisoning. She believed the City needed to also test all the properties adjacent to the water tower, and to take samples that are at the surface and not 12 inches deep, as in the “stunt” the City tried to pull last year. She felt the City should notify every property owner in the area that the sand blasting involved lead paint, and to not plant vegetables in their garden, or use their backyards at all until the safety of the property is verified.

Dr. Roe said she would like to read an excerpt from an article in the peer-reviewed scientific journal "Epidemiology" from 2015: "Lead has a potential half-life in bone of 27 years. Consequently, exposure at any age can result in residual exposures as blood stores are mobilized. This is a particular concern during pregnancy when mobilization results in fetal exposure." Dr. Roe said she believed this meant that children who are exposed to lead today would store the lead in their bones and then pass that lead exposure on to their own children when they become pregnant, perhaps decades from now. Because of the extremely long half-life of lead in the body, and the bioavailability of lead stored in bones to become mobilized during fetal development, lead poisoning had multi-generational impacts.

Dr. Roe said this was just one of the reasons that the International Society for Environmental Epidemiology called for a concerted global effort to eliminate lead poisoning. The global effort is not one that impacts some other country, or some other water shed in the river basin, like the action taken by Council last meeting on fracking. She felt this was an issue that would impact Newark City residents for generations to come.

John Morgan, District 1, said his comments pertained to the Rodney project. He obtained from Mr. Porach about two weeks ago, a copy of his 21-page analysis of the Rodney project. He thought the questions he raised about whether the amount of rain water on August 13th, 2013 was properly estimated and whether the drainage area was properly estimated, whether it is 68 acres, or 40 acres were relatively simple matters that the City staff should be able to provide definitive answers to. If there is a flaw in Mr. Porach's analysis, he would like to know what that flaw is on the numerical data.

Dr. Morgan wanted to also comment about the plans for the Rodney site with the storm water pond. He wanted to explain why he thought all members of Council and staff and most citizens of Newark, should be very grateful to those one hundred or so undergraduates who were very loudly partying in the fountain in the middle of the Green, and waking up the neighbors some 500 or 600 feet away. It is because unless there is a physical barrier around the proposed Rodney stormwater pond, the same sort of misbehavior was very likely to occur in his opinion. Perhaps not every night, but probably many nights between April and October when the weather would be nice.

He suggested looking at his printout from Google Maps that he distributed to Council. He noted this site was right next to South Main Street, which is a common corridor for the many kids who go to the bars at Deer Park and Main Street, and then walk home to the ever-growing number of student apartments along South Main Street. He thinks it will be a very frequent occurrence for drunken kids who want to cool off, to take a dip in the Rodney stormwater pond if it was physically possible to do so. Signs could be installed saying "The park is closed after sundown," but these kids were likely to just ignore those signs in his opinion. He would like to know what would be done to prevent that sort of thing from happening from having loud, noisy kids splashing around in the pond between 1:00 and 2:00 a.m. and waking up the neighbors in the adjacent areas. He believed real thought needed to be given to that and he believed it would cause legal concerns. He felt this was yet another reason there should be a physical barrier there to keep people out of the stormwater pond.

12. 3. APPROVAL OF CONSENT AGENDA:

- A.** Approval of Council Special Meeting Minutes – May 7, 2018
- B.** Approval of Council Minutes – May 14, 2018
- C.** Receipt of Alderman's Report – May 8, 2018
- D.** Resignation of Sharon Smith from the Newark Housing Authority

50:20

Ms. Bensley read the consent agenda into the record.

MOTION BY MR. MARKHAM, SECONDED BY MR. LAWHORN: TO APPROVE THE CONSENT AGENDA AS RECEIVED.

MOTION PASSED. VOTE: 6 to 0.

Aye – Clifton, Hamilton, Lawhorn, Markham, Morehead, Sierer.
Nay – 0.
Absent – Wallace.

Mr. Clifton asked if the Newark Housing Authority was divided politically between Democrats and Republicans. Ms. Bensley said it was divided between Mayoral appointments and Governor's appointments. It was not a political party affiliated committee. Mr. Clifton asked if the resignation was a Mayoral or a Governor's appointee. Ms. Bensley stated it was a Mayoral appointment.

13. 4. **ITEMS NOT FINISHED AT PREVIOUS MEETING:** None

14. 5. **APPOINTMENT TO BOARDS, COMMITTEES AND COMMISSIONS:** None

15. 10. **RECOMMENDATIONS FROM THE PLANNING COMMISSION AND/OR PLANNING & DEVELOPMENT DEPARTMENT**

B. Request of Schlosser & Dennis, LLC and Traders Alley, LLC to Amend the Minor Subdivision Agreement in Order to Extinguish the Rights of Traders Alley, LLC to Park Upon East Main Street Parcel 185 and to Extinguish the Rights of Schlosser & Dennis, LLC to Park Upon East Main Street Parcel 187 at the Property Located at 147-163 East Main Street Known as Trader's Alley (***Agreement and Resolution Attached***)

51:37

Max Walton, Connolly Gallagher LLP, said before Council was consideration was a resolution prepared for Council by Schlosser & Dennis. Mr. Michael DeNote, Drinker, Biddle & Reath, LLP would present on behalf of his client. Also present was Richard Abbott, who would present on behalf of his client, Traders Alley LLC, who proposed to amend a 1995 resolution which allowed for the development of the Trader's Alley complex at that time.

Mr. Walton said as Council may recall, there have been numerous, long running disputes between Trader's Alley and Schlosser & Dennis. The City was named in several of those lawsuits and were ultimately dismissed from those lawsuits. He believed it was safe to say that the end dispute related to the meaning and scope of a 2007 cross-access agreement between the parties. It was his understanding that the resolution before Council if passed would resolve the differences between Schlosser & Dennis and Trader's Alley in relation to that 2007 agreement.

Mr. Walton said the agreement eliminated the cross-parking easement that currently existed between the Schlosser & Dennis and Trader's Alley property. Simply, Schlosser & Dennis got their parking, Trader's Alley got their parking. For the record, and he believed the counsel that came after his commentary would confirm that the access to Main Street was not impacted and the fire lane would remain open. In his view, no rights of other parties were impacted, and the 1995 agreement otherwise remained the same.

He stated the owners at the rear of the parking lot, Campus Edge, represented by Mr. Harker, submitted a letter to Council and would like to make comments. Mr. Walton said Mr. Harker would offer his comments first, followed by Mr. Abbott and Mr. DeNote would offer follow-up questions. Finally, Mr. Walton would answer any questions Council may have and then the Council would act, whatever that may be on the proposed resolution.

Mr. Harker, attorney for Campus Edge LLC, which was the owner of the Campus Edge project at 208-224 E. Delaware Avenue. This project was approved by Council in 2011, and ultimately was a project of mixed use apartments and retail use was constructed. Campus Edge is the successor and interest to one of the three owner groups that were involved in the 1995 Trader's Alley plan. The predecessors in interest include, as he indicated in his letter, the predecessors entitled to Campus Edge. Those were signatories to the record minor subdivision plan that was recorded regarding Trader's Alley and a signatory on a 1995 agreement which essentially incorporated with the terms of the 1995-U Resolution. That resolution, 95-U, purports to set up some sort of shared parking arrangement for Trader's Alley, exclusive of residential space.

Mr. Harker said he would respectfully disagree with Mr. Walton as to the fact that it creates some easement, but it certainly relates to some sort of shared parking. It should be noted that the Campus Edge project was approved with its own parking rationale which was subsequently constructed. The agreement provided essentially that it may be modified, this was the agreement that incorporated the resolution,

only with the written approval of Council and the owners and their successors in title. One of the successors in title was Campus Edge who would indeed like to be part of the process to which was ongoing at this meeting. They simply asked that if the Council chose to make some modification in the parking provisions in the 1995-U Resolution, that that arrangement be terminated not just to Trader's Alley but also to Schlosser & Dennis and Campus Edge. Those were the three parties or the successors to the three parties to that agreement, and he would respectfully suggest that it is appropriate and fair that Campus Edge be given the same courtesy Council would extend to Trader's Alley and to Schlosser & Dennis.

Mr. Abbott, on behalf of Trader's Alley, LLC, said from his client's perspective, he came up with nine different reasons why he believes why this resolution should be approved in its current format and not amend it as Mr. Harker suggested. Mr. Abbott said in no order, this was needed to end the years of litigation and the City avoided hopefully any other future embroilments with the disputes between Schlosser & Dennis and Trader's Alley that have gone on since at least 2011. He said the zoning interpretation of June 8, 2015 that was mentioned in the resolution changed the outlook a little bit because in 1995, when Trader's Alley was originally approved, it assumed that these other areas to park on both the Schlosser & Dennis property and the Bruce Hubbard property, at the time, on Delaware Avenue were necessary. Because of that interpretation in 2015, it was determined that there was, legally at least, sufficient parking as proposed by the Trader's Alley plan this Council approved two years ago to accommodate even the addition that was proposed at that time. So, in effect, the landscape has changed slightly in terms of the parking needs. They did not need to have, at least under the City Code, that Schlosser & Dennis parking area to meet Code.

The third item, he believed, opens the door to Trader's Alley's ability in the future to dedicate its parking lot behind its property to the City of Newark as a City lot. One of the big problems that is faced with that lot was that there was no control over it. There were no access limitations and there were a lot of interlopers and trespassers and people that overstayed their parking welcome. It would also allow not only the City to regulate it, but to gain revenues from that. His client had hoped to do that in the project that was approved by Council two years ago but were unable because Schlosser & Dennis, and he was not trying to cast blame here, at the time, they did not consent to that, so they were not legally able to do so.

The fourth item Mr. Abbott referenced was Campus Edge had not reached out to his client. He did receive from Mr. Walton communications and he thought Mr. Bilodeau sent him communications in late February from Mr. Harker, and that was three months ago. He stated he had never been directly contacted. His client had never been directly contacted by Campus Edge to reach out and say they would like to eliminate the parking rights on their property and let them try to make a deal. His client was a businesswoman, Angela Tsionas, and she was willing to talk. If it was a good deal, then she would make it. But he believed what they were essentially doing was coming to Council and asking them to absolve them of their parking easement and he believes it is an easement per the 1995 plan that was approved by Council, but they do not get something for nothing and he said that is what they are asking Council to try to grant them. Mr. Abbott said this segued into point five: Campus Edge had not given any valid basis for their position other than they objected conclusory and they would like to be included because that benefited them. Again, something for nothing. People liked free stuff but that did not justify a change in what was being proposed. His client was not excluding Campus Edge in paragraph e) as Mr. Harker's letter asserted. He believed they were eliminating Schlosser & Dennis. Campus Edge stayed in the agreement as to its obligation to allow parking on its site.

He continued with six, Trader's Alley may need some of that parking on the Campus Edge site in the future. His client got eight three-bedroom apartments approved on the addition two years ago. His client may come back and want to do ten two-bedroom apartments. It depends on the market and when she decided to do it. He noted she was pretty consumed with a major project in the City of Wilmington right now, so she did not have any time and money to focus on this project. When she did, she may find that she wanted some additional apartment units that were two bedrooms. Unfortunately, under the Code, two-bedroom and three-bedroom units required two parking spaces and that would necessitate a few more parking spaces that may require a request for a parking waiver. Obviously, his client would assume that the ability to park on Campus Edge may ease that transition or may ease that approval to get a two to four parking space waiver. Therefore, they needed to hold onto that.

Mr. Abbott said number seven is under the circumstances, what Mr. Harker is asking Council to do, he would respectfully submit that Council could not do legally because it would constitute a taking by essentially saying, "we are going to extinguish Trader's Alley's easement rights on Campus Edge's property with no compensation". He would suggest that is not something that is legally permissible unless they want to pay just compensation or unless Campus Edge agreed to pay it for the City. That is another non-starter. Number eight, the 1995 agreement only required written approval of Council. In other words, it did not say Council must sign any written agreement to modify and have that agreement recorded. He

noted he has seen some papers that were in Council's packet that seem to suggest that, but when reading the language, all that was really required, in his opinion, was Council pass this resolution. That was in writing and constituted approval that authorized the modification that would be agreed upon by Schlosser & Dennis and Trader's Alley. If Council wanted to do something more than that, that was the prerogative and discretion of the legislative body, but it was his considered opinion that all they really needed was the resolution.

Mr. Abbott noted the final item was that Council had legislative powers and that went without saying, so basically what Mr. Harker and his client are doing is coming to Council and saying they could not do this. Under the City Charter and under City Code, under home rule authority, he said they certainly could do it. They were the legislative branch of the City government and they had the authority to amend a prior resolution via a new resolution and are not limited in any way and not negatively affecting any rights of Campus Edge. Under those circumstances, his client respectfully requested that Council vote in support of the resolution as it currently, or initially was drafted and was before Council at this meeting.

Mr. Walton asked Mr. Abbott to confirm the fire lane would stay open. Mr. Abbott said the 24-foot-wide access/fire lane from the rear of Trader's Alley to Delaware Avenue remained in effect. That was unaffected. It is subject to a 2007 restated easement agreement between, at the time, Mr. & Mrs. Hubbard and his client, which was done in conjunction with several other documents at the time in 2007 when his client purchased the Trader's Alley property.

Mr. Abbott said there was one final thing he wanted to explain as well because he thought there was some confusion. It seemed like Mr. Harker was saying in his letter that Trader's Alley included all three properties. It incorporated all three properties as to parking and it showed parking and interconnections and the Main Street access is on the Schlosser & Dennis property. It shows on that 1995 plan entry and parking on either Schlosser & Dennis or on Trader's Alley. There is also an interconnection on to the then Hubbard property and a 24-foot-wide easement that runs out to Delaware Avenue. The plan implied, and they would contend also designates that all of this is subject to joint usage. If there was any question about it, the 1995 approval of Council which was one of the items that was in this resolution that they were amending, they were not rescinding the approval, they were just amending an item, he believed it was in paragraph 10 of that resolution that said there would be parking made available on the other properties to accommodate Trader's Alley. He noted he did not want to get into the lengthy history of it but suffice it to say that at the time, Mr. Hubbard had assembled several parcels on Delaware Avenue from Piet von Ogtrop and Ray Osowski as well as a third owner and he had been there as a lawyer with Mr. Sobieski for many years and Mr. Young and Mr. Handloff acquired their property which is now Trader's Alley from the (inaudible) & Liquidating Trust which they would recall perhaps why there was a Liquidating Trust as they got into a little trouble with the federal government over the something Training Academy for the truck drivers. So, they acquired it and tore down buildings and were proposing to develop their sites. Mr. Hubbard, as he has indicated to him in deposition, said "that was my client". Mr. Hubbard also represented both Schlosser & Dennis. They kind of all got together and said "if you need extra parking, that is what the City is telling us they want in terms of the comfort level to ensure that because there is not enough parking on your site and you are seeking a waiver, that there will be other parking available at certain times, nights, weekends, etc., when restaurant use, in particular at Iron Hill, tends to be peak." They all got together and filed this but there was no development on either the Hubbard property or the Schlosser & Dennis property that was new and approved. The only thing that they were involved in was to sign off on the plan so that it was clear that interconnection and circulation flow from Main Street to Delaware Avenue would be permitted in perpetuity as well as the parking usage would be allowed.

Mr. Abbott said this was a brief background and history and those were the reasons his client would submit the resolution was sufficient and appropriate as initially drafted and that there is no need or appropriateness to any amendment.

Michael DeNote, Drinker, Biddle and Reath LLP representing Schlosser & Dennis, agreed there was a lot of history with this issue and he would not reiterate anything that had already been said. He thought the only issue before Council was to approve by resolution the right of Trader's Alley and Schlosser & Dennis to extinguish rights and obligations between Trader's Alley and Schlosser & Dennis only. He thought it was that simple and, to reiterate Mr. Walton's question, he agreed there would be no change to the fire lane as part of the resolution or any extinguishment of these rights.

Mr. Walton said he believes it would fair if Mr. Harker, after listening to everyone, if they could indulge him and allow him to speak and have any rebuttal. Council agreed to allow Mr. Harker to speak.

Mr. Harker said he had three comments in response to what his worthy colleague said. He noted that communication was a two-way street. Mr. Abbott was critical of Mr. Harker not communicating with

him, but they did not know about this resolution. They did not know about this agreement until it happened to show up on the agenda. So, that was why they were here tonight. With regard to the parking easement for Trader's Alley, it was a two-way street. Counsel for Trader's Alley basically said that they may need the parking on Campus Edge. Campus Edge had the same parking rights under that resolution and agreement to park on Schlosser & Dennis property and to park on Trader's Alley property. To the extent he thought he was going to get more parking when they had the right to use his parking. What they were simply doing was to treat everyone fairly and do away with the parking for everyone. He noted when reading the agreement that said about who must approve, it simply said "this agreement may be modified only with the written approval of Council, the owners and/or their successors in title."

Mr. Walton said Council's options this evening, as he understood it, were as follows, and he would let the Solicitor tell him if he made a mistake in this regard because he was new in this position standing at the podium. First, Council could make a motion to approve the resolution as written. Second, Council could vote to table consideration of a proposed resolution until the next Council meeting. Council could also vote to indefinitely postpone consideration if they wanted. Ultimately, though, he did not believe that Mr. Harker's proposed motion was properly on the agenda. Mr. Walton advised that Council could not vote on the proposed resolution that was attached to Mr. Harker's. If Council wanted to consider that, they would have to pass on the current motion and the matter would have to be noticed for the next Council meeting. The only thing that was on the agenda that was properly considered was the Trader's Alley motion which was on the agenda.

Ms. Sierer confirmed amending the current resolution was not an option this evening. Mr. Walton said that was correct and Mr. Bilodeau agreed.

Ms. Sierer noted before the matter is opened to public comment, she would ask Ms. Bensley to read the item into the record. Ms. Bensley read the project into the record.

MOTION BY MR. CLIFTON, SECONDED BY MR. MARKHAM: THAT THIS BE THE SECOND READING AND PUBLIC HEARING TO ITEM 10-B.

MOTION PASSED. VOTE: 6 to 0.

Aye – Clifton, Hamilton, Lawhorn, Markham, Morehead, Sierer.

No – 0.

Absent – Wallace.

The Chair opened the discussion to comments from Council.

Mr. Hamilton said there were four lawyers in the room, four opinions and the Councilmen, at least one of these, had some questions here. He noted on page 10B, this page, it seemed to require three signatures, Trader's Alley, Schlosser & Dennis, and Campus Edge. So, if this required three signatures, he asked why Council was supposed to be hearing the matter as it seems like one of the party's present did not want to sign this. He asked if it was necessary they sign it. Ms. Sierer said the question was directed to Mr. Walton since he was special counsel for this public body. Mr. Walton said Mr. Hamilton was referring to what one might call the draft Subdivision Agreement. There was one that was made up that only had three signatures because that was the way the resolution was proposed.

Mr. Hamilton said it would have three signatures, but somebody did not want to sign it. Mr. Walton said that the three signatures on that document would be Schlosser & Dennis, Trader's Alley, and the City. Mr. Bilodeau interjected and said there were two different subdivision agreements that had been circulating: one with Campus Edge's signature line and one without. But they also had the resolution which just had Council's approval.

Mr. Hamilton said it was complicated. He said he had asked people to be good neighbors before and he was not sure why he did it because he believed people did not listen to him. From a base standpoint of hearing that three people were not in agreement and the City was supposed to pass an agreement letting two of those people out to do their own agreement and leave the third person out. That was a little tough for him. He asked Mr. Walton to help him understand why the City would approve such a thing when there was a party in the room that was saying that this was not a good legal move for them. Mr. Walton said as noted in his confidential memorandum to Council, they had a decision to make and that was precisely the decision they needed to make. Mr. Hamilton said that conversation was still puzzling.

Mr. Morehead asked Mr. Walton to explain the legal statement that showed up in the 95-U document, parties of the first part when it is referring to multiple people. Mr. Walton said parties of the first part would be all the parties that preceded the statement parties of the first part.

Mr. Morehead confirmed that 95-U is a contract. Mr. Walton said it was. He added the City of Newark did things a little bit differently than most places. He explained that generally there was a resolution or an official act of Council and that was the resolution he thought Mr. Abbott was talking about, where there was a resolution passed. The City of Newark required individuals to pass or to also sign a subdivision agreement, which was a memorialization, ultimately, or an agreement, a memorialization of the resolution.

Mr. Morehead asked if it has force of law. Mr. Walton said the City would enforce the provisions within a subdivision agreement and the resolution because they mirrored each other. For example, if it said they had to keep the fire lane open and somebody closed the fire lane, the City would enforce that.

Mr. Morehead said on item 10, the owners agreed that all parking spaces shall be made available to customers and clients of the Trader's Alley businesses. Now the fact that there was a lawsuit between Schlosser & Dennis and Trader's Alley, what they knew now as Trader's Alley, this comment about of the Trader's Alley businesses would seem to mean it was everybody. He asked if that was what was implied in court. Mr. Walton said one could make that argument, but he would have to go back and delve a little deeper. After looking at the agreement, Mr. Walton said it could certainly be interpreted it that way.

Mr. Morehead said rather than specifically Iron Hill and the ice cream place, and only the folks in that building. Mr. Walton said it could be interpreted that way. They could also look at it that it was a one-way easement the Trader's Alley's business use the other lots and there is no reciprocal. In other words, it is just a one-way permission instead of a two-way, back and forth, permission. There was some question about this. He did not believe it would be appropriate for him to give his interpretation in his role at the meeting at that time.

Mr. Morehead noted in the past part that discusses "This agreement may be modified only with the written approval of the Newark City Council, the owners, and/or their successors in title." Mr. Walton said that is correct. Mr. Morehead said it appears the second reference would be the parties of the first part here, too or their successors, which is all three. Mr. Walton concurred. Mr. Morehead added the document says it cannot be changed unless there are four signatures. Mr. Walton said that was correct.

Mr. Morehead said if the option was decided to postpone until the next meeting he assumed that would be to give the parties a chance to come to an agreement by then. Mr. Walton said that would be if they could come to an agreement. Mr. Walton added that he phrased that reference earlier carefully by saying it would be the next available meeting. In other words, there might be a little additional time.

Ms. Sierer asked if there was a difference between Council tabling the item and postponing. Ms. Bensley said procedurally, the proper motion would be to postpone it to be date-specific. If they tabled something, in Robert's Rules, it was supposed to come back that same meeting. Her recommendation would be to postpone until the June 25th meeting, so they had enough time to advertise.

Mr. Morehead asked if the matter could be postponed it to an event, like an agreement were reached. Mr. Walton said his recommendation would be not to do that and to consider it and take it up or down.

Mr. Markham said when seeing four lawyers in front of Council, he wanted to make sure Council was truly a legislative body and not a judicial body tonight, which was a question for the solicitor. He asked if Mr. Bilodeau understood why he was asking that question. Mr. Bilodeau asked Mr. Markham to explain. Mr. Markham said sometimes Council sat in judgment and asked that they vote like with special use permits when people violated them, so he wanted to make sure that Council was truly a legislative body considering this matter and they were passing a resolution and not passing judgment on any action. Mr. Bilodeau said they were certainly not passing any judgments, so it would be legislative. Mr. Markham said he wanted to make sure he knew exactly how he was representing himself. Mr. Walton agreed that it was a legislative determination.

Mr. Markham noted this item had been going for many years. It had been very trying to resolve. He was not happy that the City had to be involved with this conversation at all and Mr. Walton had done a very good job keeping Council out of it. He said when reading the original document, their rights were

the same as they were today and what they negotiated previously. But they were asking for a change to that. If the resolution passed, they had the same rights as they did today. Mr. Walton said that was correct.

Mr. Markham asked how long this discussion has been going on about disagreement between parties. Mr. Walton said he cannot speak for Campus Edge, but he has been involved with disputes relating to this property since approximately 2014.

Mr. Clifton said he did not have any questions that had not already been asked. If it were to be postponed, then he had his reservations as to whether come June 25, there would be a resolution on it. Mr. Walton said all may very well be in the same position right here today.

The Chair opened the discussion to public comment.

John Morgan, District 1, said when this item was before Council a couple of years ago, he asked the City staff to retrieve from their records the minutes of the meetings of the Planning Commission and Council when this project was approved. The date, he believed, was 1996, he could be off by a year or two. (*Secretary's Note: The original Trader's Alley minor subdivision was approved in 1995.*) He noted at that time, there was a very large parking waiver requested and a statement was made by the developer that the parking lot would be controlled 24 hours a day, 7 days a week. He believed this had not been done in recent years, and that was one of the major reasons why there had been these continuing controversies over trying to share the limited space in that lot. It was his opinion if this did come back in a couple of weeks, or a couple of months, whenever, he hoped that every member of Council would have read the minutes of the Planning Commission and Council from about 22 years ago where this project was approved. He would like them to read the comments made by the developer about what was going to happen on the lot, and he hoped that all three parties who were before Council tonight would be able to come to Council and explain why they were not living up to the agreements that were made 22 years ago.

There being no further public comment, the matter was returned to Council.

MOTION BY MR. CLIFTON, SECONDED BY MR. MARKHAM: TO APPROVE THE REQUEST FROM SCHLOSSER & DENNIS, LLC AND TRADER'S ALLEY TO AMEND THE SUBDIVISION AGREEMENT IN ORDER TO EXTINGUISH THE RIGHTS OF TRADER'S ALLEY, LLC TO PARK UPON EAST MAIN STREET PARCEL 185 AND TO EXTINGUISH THE RIGHTS OF SCHLOSSER & DENNIS, LLC TO PARK UPON EAST MAIN STREET PARCEL 187 AT THE PROPERTY LOCATED AT 147-163 EAST MAIN STREET KNOWN AS TRADER'S ALLEY.

Ms. Bensley asked for clarification as to which of the two versions of the subdivision agreement amendment in the packet Mr. Clifton was making the motion on for adoption. Mr. Clifton said it was the agreement "without." Ms. Bensley reiterated that in Council's packet there were two versions of the agreement; one with Campus Edge as a party, and one without Campus Edge as a party and asked which agreement Mr. Clifton was referencing. Mr. Clifton said he was referring to the one without Campus Edge as a party. Ms. Sierer said to be clear, it was the subdivision agreement without Campus Edge as a party. She asked if there was any further discussion and if Council understood the motion. There was no further discussion.

MOTION FAILED. VOTE: 2 TO 4.

Aye – Clifton, Markham.

Nay – Hamilton, Lawhorn, Morehead, Sierer

Absent – Wallace.

16. 6. SPECIAL DEPARTMENTAL REPORTS:

A. General Assembly Update and Associated Requests for Council Direction – Lobbyist (See 6-B)

01:30:35

Ms. Sierer advised that items 6B and 6C would be discussed separately.

Mr. Armitage started with HB416, which would exempt non-profit pools from property taxes. He recalled the financial impact in Newark was a little bit more than \$3,000 if that tax was not collected by the City. He needed some direction from Council as this moved in through the process.

Mr. Markham asked if there was an open question about the country club. Mr. Armitage said the Country Club was a 503(c)7 and was referenced in an email he saw that came through. Mr. Coleman said

they confirmed they were a type of non-profit, but it had not been confirmed whether that would be covered under this bill. This was the question that needed clarification.

Mr. Armitage recalled the Newark Country Club pool was not really a separate profit center and was all part of the membership that someone would have if they were a member of a country club. He thought they could not have a separate membership for just the pool. Mr. Coleman said he believed there could be a separate membership for just the pool. Mr. Armitage was not sure if that part would also be tax exempt.

Mr. Armitage said moving on the State was going to increase the tax credit associated with restoration of historic properties. The fiscal note at the State level was not complete now so they did not have a clue yet what that might cost the State yet in additional lost tax revenue, so he was not sure whether there was a significant impact other than it was going to have to change Newark Code to increase that tax credit. He did not think there was an estimation going forward of what kind of impact that might have in tax revenues.

Mr. Morehead asked if there was a list of the houses or properties all on the historic registry or was it anything over 75 years old. Mr. Armitage did not recall the details on the bill. Mr. Morehead said that could include 35 or 40 properties in Newark, it was not a huge number. Mr. Armitage said it had to be an owner occupied historic property and the tax credit could go to \$30,000. So, it was an owner occupied historic property. Mr. Morehead asked the definition, and did it include the national historic register. Mr. Armitage said he did not have enough of the bill in front of him to comment.

Mr. Baumbach wanted to speak on HB416, which was all of eight words. Specifically, non-profit and swimming pools. He believes this is relative to non-profit owned swimming pools. He would imagine a property like the Newark Country Club, that separates its swimming pool, then that could be, but he cannot imagine an interpretation that would take the entire country club and would pull it in. The wording just says that "non-profit swimming pools within New Castle County shall not be liable for taxation assessment, etc." That was his layman's read of the bill. Mr. Bilodeau said it would be limited to non-profit swimming pools.

Ms. Sierer asked at what stage the bill was. Mr. Armitage said the schedule for committee hearings next week was not out yet, or was not out earlier today, so, he was not sure whether it would be on the committee hearing next week, but it could be.

Ms. Sierer asked if there were concerns from staff that Mr. Armitage addressed. Mr. Coleman said the big question was did it apply to the whole property or not.

Mr. Markham asked if Mr. Baumbach was a sponsor of the bill. Mr. Baumbach said he was the sponsor. Fairfield Crest had requested whether they could qualify in the existing rules and because there were many things and the state had this list of swimming pools that it had been very haphazardly been added to this list.

Mr. Markham asked for Mr. Baumbach to state his "sales pitch" because there was a part of him that said he wanted to get the property tax and there was another part of him that said the property of the pools was important. Mr. Baumbach said his sales pitch was making this fair, and rather than have a very random set of swimming pools in New Castle County that are exempt from property taxes, he would ask that all non-profit, community owned swimming pools uniformly be free of that as Mr. Markham had pointed out because of the community value that they bring to communities such as Newark. Mr. Markham said he did not know there was a list of already exempted swimming pools. He thought this was a brand-new proposal. Ms. Sierer said that is an issue of fairness, that some pools were on the list and some were not.

Mr. Baumbach said it was community-owned and community-maintained ones that were currently exempt. This added non-profit swimming pools. Mr. Morehead asked what did community owned mean. Mr. Baumbach said when he heard community owned he automatically thought Arden. His guess was certainly the City property like the George Wilson Center pools were community owned. He did not know more than that. Ms. Sierer believed it may be development owned in some cases. Mr. Baumbach said he would research further.

Mr. Coleman believed the main hurdle to them being exempt today was the fact that if the pool dissolved, it did not transfer to a non-profit. Mr. Baumbach agreed. Mr. Coleman said that would require a by-law change which was apparently a lot more difficult than he thought.

Mr. Armitage said he is still watching HB110, which would legalize marijuana use and was still on the House Ready list. He did not anticipate that the votes would ever materialize to allow this bill to pass this year. This was simply being monitored because of the impact in the Human Resources world.

HB221, which was a three-year exemption from prevailing wage for City and County projects, was placed in the House Administration Committee when it was introduced last June and had not moved. He did not think it would move unless there was some major dust up around the budget passing that they needed Republican votes, and the bill with this legislation to make it happen, so, it would be a trade-off.

He noted there was a similar process with HB244, again, Republican sponsorship introduced about the same time. He did not see it moving out of the House Administration Committee unless they absolutely needed the Republican votes as sort of a trade.

HB260 was one they were hoping passed and would create a new committee that would oversee the grant-in-aid process. He thought if grant-in-aid continued to move through the Joint Finance Committee, the chances of PILOT changing were not going to happen. The bill had passed the House. He noted the Chair of Senate Finance was Senator McDowell. He was not sure whether he would allow it to be released. The Senate rules allowed a Senator to essentially put it what he called a desk drawer detail in place. It went to the desk drawer and it never see the light of day again.

HB267 was introduced again during the session. He had spoken to Mr. Potter a couple of times. Mr. Armitage did not think the bill was going to get traction, so he would not spend a lot of time on it, but if it did finally get traction, it needed to be watched for what may happen with the towing that went on in Newark.

HB281, Grant-In-Aid, was in the table with last year's bill, but they were monitoring going forward. This year's Grant-In-Aid had not been announced when Joint Finance would even begin drafting bill. He recalled that last year they cut almost \$9 million out of Grant-In-Aid with a 20% cut across the board. EMS was in there, there was some cut from the PILOT funding. He thought there would be some restoration of funds that went into Grant-In-Aid this year, but he did not think it would be a total 20% across every entity that received funding there in the past. This would be watched because of PILOT and EMS.

Mr. Markham said there was this hurdle every year from Newark's sister city to the north. He asked for suggestions on how to have a discussion with them that this was a good thing to do. Mr. Armitage said it was absolutely a fairness issue, but that had not gotten Newark traction in Dover. There had been conversations with the City of Dover and Georgetown and a group was put together that would somehow be able to change a conversation, and they just could not get that traction. The original bill passed in 2005, and this concern had been in existence since then. He said the other cities agreed, but the problem was it had to go past the Joint Finance Chair.

Mr. Armitage said the problem beside the tax-free properties that exist there, and it was one of the reasons, when looking back at the 2005 bill, it was not just because it was a county seat. They were trying to do other things to prop up some of the problems that were going on in Wilmington. He did not think those problems had disappeared. If he was Chair and if he represented Wilmington, he was going to try to give them the lion's share of that funding.

He wished he had a better answer for Council. They had tried to put together a group that could change it and it just had not come to fruition. Senator Sokola and Representative Baumbach have sponsored another bill again this year to try and move this issue forward and the initial committee that the bill went into he believed it would come out of that committee, but it would be assigned to Senate Finance, once it left that committee. He still thought it would die on the vine.

Mr. Baumbach reported Title 9, Section 8106 listed several organizations that were exempt from taxes. There were three swim clubs in there, Jefferson Farms Swim Club, Penn Acres Swim Club and another one that he could not recall. There was also mentioned a non-profit organization that owned park land and that is tied to the phrase used in this bill as it was not being changed, but adding non-profit swimming pools, community owned, community civic organization swimming pools and now non-profit swimming pools was the piece being added to the bill.

Mr. Morehead asked if there was a sunset clause. Mr. Baumbach said there was not. Mr. Morehead asked if the lands went to any other uses, did they stay non-taxable. Mr. Baumbach said it must be a non-profit owned swimming pool. Mr. Bilodeau concurred.

Mr. Baumbach said with reference to PILOT, there are articles in the newspapers stating they have got hundreds of millions of dollars extra this year. He noted this was true for one time, but no ongoing as ongoing was a real problem. The PILOT bill, SB201, it was the ongoing cost. \$500,000 was being added. Something like \$450,000 would come to the City and \$50,000 went to the other three county seats. It was that ongoing cost that was presenting challenges and having enough of their colleagues' support. Mr. Markham said he understood that and there was an ongoing need for the PILOT funding to that effect.

Mr. Hamilton asked if there was any explanation why Penn Acres was included in the list on non-exempt pools. Mr. Baumbach said some legislator added it at some point in the past and they were in an explicit exclusion from property tax section.

Mr. Armitage said the Governor's recommended Capital Budget HB325. The big piece they were watching there was what would happen with Municipal Street Aid. There was a request from the League to increase that by \$1 million. The other couple of things that he did not think would cause any controversy were the transportation funding or the police laptop replacement. HB350, the protection of biometric information by employers, was so complicated he did not think it was going to get any traction this year. It would be a big headache for Human Resources if it did pass but so far, because it was such a big headache not just for Newark but for almost every business operating right now, he did not think it would get any traction and move forward.

Mr. Markham asked what this included. Mr. Armitage said it was retina scans, fingerprints, what people were starting to install for access to different parts of their buildings. He was not sure whether he worked for an organization that had a relatively complex security system. But that information and more and more of it was being stored by people. He added that California was the only other state that had even introduced this legislation and it had not gotten traction yet there either. Mr. Markham asked if it included DNA. Mr. Armitage said it did.

Regarding HB360, the sexual harassment training for employers, employees, and supervisors, he was still waiting to see the amendment that would be presented that better-defined employees and the amount of training. He thought he explained before one of the big concerns and for example JPMorgan had employees scattered throughout the entire country and for a very large employer like that, they probably have sexual harassment training that was common across the country and to change what had been vetted by the corporate attorneys, what had been successful in other places, just to match what Delaware wanted to do. There had been a lot of push back from the companies that were multi-state rather than just smaller jurisdictions like Newark.

Mr. Markham said he believed that Google and Microsoft, he believed were online for free and he guaranteed they dealt with many jurisdictions, many states, many countries. He said sometimes there were other ways to do this.

Mr. Armitage thought it was very descriptive in the way the bill was written. It could not be online, it must be in person. He believed that was the pushback and people were trying to find a cost-effective way to be able to do this and allow companies to do this the best way they could to figure it out. He believed it would move forward in some manner. He asked if Council had any specific direction.

Ms. Sierer noting no consensus said Council would return to Mr. Armitage. Mr. Coleman's recommendation was to see what came out of it. Mr. Armitage said as soon as he had the amendment he will send that along to people.

Mr. Markham said one comment should be regarding the training that employees should be able to use previous training to satisfy things. They should not have to have training from their immediate employer to cover this if they had been given that training within a certain amount of time. Mr. Armitage said that issue was not included in the bill either. Mr. Markham said he was not certain it was specific to the employer that they had today that they must have proof through that employer or proof that they had it. Mr. Armitage said his recollection and the discussion in the committee area was that whether one had experienced training with another employer, the new employer was still going to have to confirm that and do this again.

Bill 377 was the County's hotel tax bill. He believed it had enough traction to move forward.

HB395 was the very broad municipal hotel tax. That was going to be stricken and he thought that Council was aware of the conversations he had with the Speaker of the House and the Pro Tem. They

really did feel it was too broad that way. They wanted the individual municipalities to come forward with Charter changes and that was what they were doing.

HB403 was the one they asked to include the municipalities. When the state passed the absentee ballot notarization requirement last year, it did not include the municipalities. He thought that would move forward without any problems.

HB416 was the non-profit pools and he had the sense with the new information Council received they would be okay with that. It did have that \$3,000 impact but it made it much more equitable and fair across the County if that was happening.

The Chair opened the discussion to questions from the table.

Mr. Morehead said regarding the capital budget, the Municipal Street Aid he asked if \$5,000,000 is the current level. Mr. Armitage said it has been since 2009. Prior to that it had been \$6,000,000.

Mr. Markham asked about HB75 for the FOIA fees for non-residents, if that applied to municipalities or was that just state revenues. Mr. Armitage said his recollection is that it would be the same here and he was monitoring that for the City Secretary. Ms. Bensley believed the bill in its current form would not charge just outside of the jurisdiction, it would be specifically for out of state. So, folks that make requests from outside of Newark but in Delaware would still be given the same rate as Newark residents. It would be if they were outside of Delaware that they would be able to charge additional funds.

Mr. Armitage said SB9 pertained to Public Works. The Acting City Manager would like to see this implemented. The initial was \$2,000,000. He did not know if there was any desire to do a program of that magnitude. He spoke to Senator Marshall, he was trying to find somebody that would let him do a pilot program. If that came to fruition, he would be looking for a partner in it and he would certainly say to him that Newark would be willing to participate in that with him.

SB10 was the minimum wage bill and they were watching that for the impact of long term. He noted the first time SB10 failed and it had been reintroduced as SB170 with the same thresholds in pay, but he did not think it would still have enough votes this year. It passed the Senate several times and died in the House.

Senate Substitute 1 for SB76 was the apprenticeship programs. This had been discussed and he thought this would probably get some traction this year and would move forward with the sponsors. Both were relatively strong in their caucuses and it did not have any huge fiscal link. It would make contracting a little bit more complicated for the City, but he did not think it would help if the City opposed it.

Regarding Senate Substitute 1 for SB91, the existing City Code required carbon monoxide detectors in single family homes where there was an attached garage. This was doing the same thing at the state level. The practical difficulty might be how they do all that enforcement because right now the City's Code does not quite get them to the spot where their fire marshal would like to do inspections when either a residence changes ownership or new rental people move in. He would love to see something in the City Code, and then even at the state level, that mandated when those sorts of turnovers happened in housing that there was an inspection that required they go in there. He would like to support this and although it has already passed the Senate, it could still have encouraged that something long-term be considered in sort of those turnovers if that was okay with Council.

Mr. Morehead said it was hard to. The landlords, they turned in one day and some of them had 30, 40, 100, 200 units, so for one fire marshal all over town, it was unrealistic. He suggested another mechanism, but not on that one day specifically by law.

SB145, the Governor's recommended Operating Budget, again had nothing unusual they are concerned about. The money appropriated to help with Unicity had been very solid for years and years, but he was monitoring to make sure that there were no surprises. He could not imagine a circumstance like last year where they went in after a couple of days and money was just gone.

He would support SB201, the new PILOT funding bill, and he would lobby for it, but he felt like he was tilting at windmills.

He thought the City would not really have a position on SB204. He thought the Deputy City Manager and his staff had evaluated this. This was an appropriate thing for the state to be doing to sort of fill the gap when the regulations around storm water management were all struck down by the court.

Regarding increasing the historic preservation tax credit, if he could give an idea of what the fiscal impact would be, he was sure it would make it much easier to give him direction. Mr. Coleman reviewed the Code section it is amending, and it looked like it only applied to bank franchise fees and income taxes, so it should not influence Newark.

Mr. Armitage said renewable energy standards were discussed at the last Council meeting. They still had not seen a bill introduced but if there were any surprises that Senator McDowell decided he wanted to move that forward this year, he would absolutely be working with DEMEC, the League and other electric providers as he thought this had a real hard impact on City rate payers if they enacted that the way that they had heard about. Mr. Coleman said New Jersey basically just did this, so it would be interesting to see how it played out there. From what he read it was almost the same thing.

Ms. Sierer said she has heard it would not happen this year and that they would take their time and discuss. Mr. Armitage said that was the discussion that DEMEC had with Senator McDowell that he assured them that he was not going to pass that bill this year. He did not know whether in the meeting that was attended by several Council members about rates whether that was discussed at all.

The last thing being monitored was where the ACLU suit may go and what would happen with schools. It would have some impact particularly in the Christina District and so much of that was Newark.

Mr. Clifton asked for information on HB136. Mr. Armitage said he did not know why that was introduced. Representative Viola introduced almost every bill around elections this year so Mr. Armitage asked Council to allow him to just ask Representative Viola why he did that that way. Mr. Clifton said after the 2005 election, it became clear that the ability to go in and write someone in was a safety valve and he was not thrilled even though former City Secretary Sue Lamblack served on the committee in 2006, he was not necessarily enthusiastic about some of the changes that were made because he thought that undermined some of that premise and certainly here in the City of Newark but more in general. Mr. Clifton asked if that would affect Newark and become mandatory because they had no filing fees in the City and that was for good reason. Ms. Bensley stated this bill as written would not apply to municipal candidates, as they were governed under a separate section of Delaware Code that must be amended. Mr. Clifton said he would still like to get some information just in general, but he certainly appreciates the City Secretary clarifying that because he certainly would not want that in municipal government. Ms. Bensley said the way the bill was written, it only applied to offices that ran in the general election in November so that would just be federal, statewide, general assembly, county, or City of Wilmington offices.

Mr. Armitage said he was looking at line five of the bill and it may be miswritten because the way it reads is “for statewide office of local”, so it probably should be “or local office” rather than “of”. Ms. Bensley suggested it probably was a typo. Mr. Armitage said he would ask Representative Viola whether that moved forward if that was a drafting error. Mr. Clifton said he did not want to get into opposing something that only affected the state as he did not think that was good policy for the City. Mr. Armitage said he was curious as he thought that could be a drafting error.

Ms. Sierer opened the discussion to public comment.

John Morgan, District 1, said at the risk of making some people unhappy, he would like to make a few frank comments about what he thought they would need to do to get PILOT funding. The City of Wilmington had more problems and much worse problems than the City of Newark. Just a few years ago there was widespread publicity about the City of Wilmington supposedly being the murder capital of the USA. Newark’s problems were not nearly as severe as that. He thought that to get of the order of a half a million dollars a year from the State for a city that has annual budget of around \$50,000,000, the City of Newark would be able to demonstrate that it has a pressing need for the extra money and that it had no reasonable prospects of raising that extra money by any other means. This is where he thought to some extent Newark was a victim of its own success. He continued, for many years, he has been hearing members of the City staff, such as the Finance Director, explaining why the overall cost of living in Newark is less than it is many neighboring municipalities, both within the state and perhaps in other states. That raised the obvious question of why not just raise taxes or utility rates just a little bit. He thought putting time and effort into trying to get PILOT money for general purposes was going to be harder to do if they were in that rather fortunate situation. He believed if they want extra half a million or a million dollars in their budget, it would be better to identify some specific short list of items and go to the state for that specific purpose. Maybe they could argue that they need a lot more money to repair all the potholes on

Main Street and they could argue that people, other than residents of Newark, come to Main Street to do their shopping. That might be a more effective argument.

17. 6-B. RESOLUTION NO. 18-___: A RESOLUTION IN SUPPORT OF THE RESTORATION OF GRANT-IN-AID FUNDS FOR AETNA HOSE HOOK AND LADDER COMPANY AND OTHER VOLUNTEER FIRE COMPANIES

02:08:53

Ms. Bensley read 6B into the record.

Mr. Coleman said as discussed previously, this was a resolution of support of restoring, as Ms. Bensley said, the funds to the pre-2018 levels when they were reduced.

There were no questions from the table and no public comment.

MOTION BY MR. CLIFTON, SECONDED BY MR. MARKHAM: TO SUPPORT THE RESOLUTION IN SUPPORT OF THE RESTORATION OF GRANT-IN-AID FUNDS FOR AETNA HOSE HOOK AND LADDER COMPANY AND OTHER VOLUNTEER FIRE COMPANIES.

MOTION PASSED. VOTE: 6 to 0.

Aye – Clifton, Hamilton, Lawhorn, Markham, Morehead, Sierer.

No – 0.

Absent – Wallace.

(RESOLUTION NO. 18-M)

18. 6-C. RESOLUTION NO. 18-___: A RESOLUTION TO REQUEST AN AMENDMENT TO THE CITY CHARTER BEING CHAPTER 152 OF VOLUME 48 LAWS OF DELAWARE BY PROVIDING COUNCIL THE AUTHORITY TO ASSESS A LODGING TAX

02:09:43

Ms. Bensley read the resolution into the record.

Mr. Coleman reported he had been working with Representative Baumbach on this matter and he had been nice enough to support their efforts. This was just asking to do via charter change what they asked to do via HB395 previously.

There was no discussion from the table and no public comment.

MOTION BY MR. MARKHAM, SECONDED BY MR. CLIFTON: TO APPROVE THE RESOLUTION TO REQUEST AN AMENDMENT TO THE NEWARK CITY CHARTER OF CHAPTER 152, VOLUME 48 LAWS OF DELAWARE BY PROVIDING COUNCIL THE AUTHORITY TO ASSESS STATE LODGING TAX.

MOTION PASSED. VOTE: 6 to 0.

Aye – Clifton, Hamilton, Lawhorn, Markham, Morehead, Sierer.

No – 0.

Absent – Wallace.

(RESOLUTION NO. 18-N)

19. 6-D. RESOLUTION NO. 18-___: A RESOLUTION IN SUPPORT OF THE MAINTENANCE OF AND ADDITIONS TO THE URBAN TREE CANOPY IN THE CITY OF NEWARK

02:10:47

Ms. Bensley read the resolution in the record.

Mr. Spadafino said in 2012, the City adopted a resolution to establish a goal of 30% urban tree cover within the City limits of Newark. The goal was established to be reached by the year of 2021. The new aerial survey was completed by the State Department of Agriculture Forestry Division and showed Newark's tree canopy cover was at 33% reaching the goal three years sooner, as well as surpassing it by 3%. The State Division of Forestry requested the City do a new proclamation to increase its current tree canopy where ever possible above the 33% and maintaining the care for the current trees in its urban forest. The tree canopy numbers showed Newark's commitment to preserving its natural resources and strengthening Newark's standing as a Tree City USA recipient.

The Chair opened the discussion to questions from the table.

Mr. Markham asked if this was possible. Mr. Spadafino said maintaining the 33% was possible. Every 186 trees equaled a 1% addition in the tree canopy and part of the reason they had the tree canopy improvement was the six additional years as the trees were maturing a little more and the landscape ordinance was in certain areas of development increasing the tree canopy.

Mr. Markham asked if additional trees must be planted to increase their tree canopy cover. Mr. Spadafino said if they could maintain and do the maintenance. Currently there was an issue with bacterial leaf scorch in the red oak trees. He noted Dickey Park had four or five trees that would be removed in the next month or so. The City received a grant through the Forestry Department to have those removed. There was also the Emerald Ash Borer infestation. However, plans had already been made to plant more trees to replace the ones that needed to be taken out.

Mr. Morehead asked how this process went. Mr. Spadafino said the most important thing was to maintain their current trees. He spoke with the Department of Agriculture Forestry Division and from 2012 to the aerial survey they took in 2018, they credited 5% of the tree canopy increase to better technology of surveying for the tree canopy. So, they credit that to giving the 5% sway to the positive across the state. Right now, the urban tree canopy was probably about equal to other local cities. He noted Rehoboth had a 12% increase and Newark was in line with the other towns in the State.

Mr. Morehead asked if this is all trees or just City owned trees. Mr. Spadafino said this referred to all trees throughout the City.

Mr. Morehead asked if the City was proposing any counting or any ordinance to discuss maintaining the specific large trees or something comparable. Mr. Spadafino said this included Newark residents. In addition, there were several reforestation projects, or initiatives, that they had throughout the year with the Rotary Club and the Conservation Advisory Commission.

Mr. Morehead noted Campus Edge had a huge problem when they proposed to do a development and there was a row of trees there and there was a lot of public outcry. They ended up moving one of the buildings back to maintain some of the trees. Having seen that, one of the next major developments in town bought a property and the first thing they did was cut all the trees down before they came through and brought anything forward to the City as far as plans. A tremendous number of really big trees were lost in this process. He asked Mr. Spadafino to keep this in mind and contemplate where they were going. He reported he recently removed a tree that was too close to the house and it just got too big. He would love to have that tree back 20 feet further away from the house. So, anything they were doing like that to help replace something that was taken out from necessity he would support. Ms. Sierer asked Mr. Morehead if he planted a new tree. Mr. Morehead said he had not done so yet and noted he planted a different one 20 years ago on the other side of the yard. But that tree had been planted way too close to the house when it got planted. He was worried about the foundation being broken so he took it down.

Mr. Hamilton said he has mentioned this before and he would keep mentioning it because he thought it was important but Delmarva Power every year sent out a flier to their customers and they gave away a free tree. It used to be two. They had it on their website and one could sign up for it and they had a way of bringing up a Google map of the house and it would allow them to put the tree somewhere. It gave them suggestions of certain trees at certain angles to the house to shade in the summer, block the wind in the winter. Maybe the Parks and Recreation could put a simple link to that site and coordinate with the Arbor Day folks. Mr. Spadafino said that was a good idea. Mr. Hamilton said anything they could do as a City to get the word out for that program because it was a free tree and they helped them locate it and it would help save on electricity, which might not be what they want with Mr. Del Grande.

Mr. Clifton asked how to do they increase the numbers. He thought he had looked at earlier a project that was going to be coming before Council here shortly in the landscaping plan where there was a landscaping plan with a lot of trees that would be planted there. He thought that the City and Mr. Spadafino had done a great job working with developers on landscaping plans to get trees and he thought that was a critical element that he would encourage the City to continue with to assist in increasing cover.

There was no public comment.

MOTION BY MR. MARKHAM, SECONDED BY MR. MOREHEAD: IN SUPPORT OF AN URBAN TREE CANOPY FOR THE CITY OF NEWARK.

MOTION PASSED. VOTE: 6 TO 0.

Aye – Clifton, Hamilton, Lawhorn, Markham, Morehead, Sierer.

No – 0.

Absent – Wallace.

(RESOLUTION NO. 18-O)

20. 7. RECOMMENDATIONS ON CONTRACTS & BIDS:

- A.** Recommendation to Ratify Agreement Between FOP Lodge No. 4 and the City of Newark for the Term of January 1, 2019 to December 31, 2020

02:19:20

Mr. Del Grande said he was there to discuss the tentative agreement between the City of Newark and FOP Lodge 4. The current agreement expired with Lodge 4 on December 31, 2018. Staff went into negotiations with the FOP Executive Committee regarding working on a two-year agreement starting January 1, 2019 and ending December 31, 2020. There were four changes from the current contract to the new tentative contract. One was the incorporation of prior military experience for new hires. The second was an educational stipend for degrees and advanced degrees so they would be changing the increment for each from \$750 to \$1,000 annually and to those with advanced degrees to \$1,250. Also, there was a letter between the FOP and the City of Newark to discuss any future consideration of moving the FOP pension plan into the state pension plan. That process would go through the current Pension Committee with the City, which was comprised of all the other unions and management as well.

The last change would be to the pay plan. As they were all aware, the FOP, prior to this agreement was under their own plan where they had multiple years of flat lining with no merit increases between steps in 7-year periods. They moved to a plan that was equitable with the City of Dover in the current contract, which gave all officers over ten years basically a 1% increase between each step after ten years for the most part. This proposed plan would be effective July 1, 2019 and July 1, 2020 a 2.5% increase to the wage scale on July 1 of each year, 2019 and 2020.

He noted there were caps that were unintended for the Corporal, Sergeant, Lieutenant, and Captain in the current pay plans once they got past year 21. On 12-31-2020 a 1% increment difference would be added in years 21-25, which currently impacted about seven positions which they did not foresee as being a large impact to the City.

Mr. Del Grande thanked Master Corporal Fountain for her help and she was available to answer any questions. He said this negotiation was smooth and this was probably one of the smoothest ones he has ever been through in 25 years. In closing, he recommended Council agree to the agreement between the City of Newark and FOP Lodge 4 for 2019-2020.

There were no question from the table and no public comment.

MOTION BY MR. CLIFTON, SECONDED BY MR. MARKHAM: TO APPROVE THE AGREEMENT BETWEEN FRATERNAL ORDER OF POLICE LODGE #4 AND THE CITY OF NEWARK, DELAWARE FOR THE PERIOD OF JANUARY 1, 2019 TO DECEMBER 31, 2020.

MOTION PASSED. VOTE: 6 TO 0.

Aye – Clifton, Hamilton, Lawhorn, Markham, Morehead, Sierer.

No – 0.

Absent – Wallace.

21. 7-B. RECOMMENDATION TO WAIVE THE BID PROCESS IN ACCORDANCE WITH THE CODE OF THE CITY OF NEWARK FOR ASBESTOS REMEDIATION AND DEMOLITION OF A STRUCTURE AT 919 ROCKMOSS AVENUE

02:23:29

Ms. Gray requested a waive bid for the asbestos remediation and demolition of the structure located at 919 Rockmoss Avenue.

There were no questions from the table and no public comment.

MOTION BY MR. MOREHEAD, SECONDED BY MR. MARKHAM: TO APPROVE THE WAIVE BID PROCESS IN ACCORDANCE WITH THE CODE OF THE CITY OF NEWARK FOR ASBESTOS

REMEDICATION AND DEMOLITION OF THE STRUCTURE AT 919 ROCKMOSS AVENUE ACCORDING THE MEMORANDUM FROM THE PLANNING & DEVELOPMENT DIRECTOR DATED MAY 21, 2018.

MOTION PASSED. VOTE: 6 TO 0.

Aye – Clifton, Hamilton, Lawhorn, Markham, Morehead, Sierer.

No – 0.

Absent – Wallace.

22. 8. FINANCIAL STATEMENT: (ENDING FEBRUARY 29, 2018 AND MARCH 31, 2018)

02:24:48

(Secretary's Note: Ms. Sierer stepped out of the meeting and Mr. Markham assumed the chair.)

Mr. Del Grande said he issued both February and March financials but would only discuss March. Overall revenue was \$520,000 above budget due to all the utilities slightly exceeding estimates by \$200,000. Electrical revenue was up 0.2%. Water revenue was on budget showing a small surplus and sewer revenue was up 0.9%. Although all of that was showing 1% growth, all utilities were moving in a positive direction or meeting budget for the first quarter of the year.

Tax related revenue, which consisted of real estate transfer tax, property taxes, and franchise taxes were \$85,000 above seasonalized budget. Fines, permits, interest earnings, and parks and recreation fees exceeded first quarter estimates by \$175,000 and rounded out the \$520,000 revenue surplus through March. Expenditures were approximately \$314,000 under budget. Personnel services were carrying most of the savings due to vacancies and through the first quarter of the year electric purchases were over budget by \$208,000. He expected that number to go up and down monthly as they went through the year. Supplies, contractual services, etc. were all showing positive variances primarily due to seasonality. Overall, they did not experience any surprises throughout the first quarter of the year, which was a good thing. The cash balance at the end of March was \$30.5 million, which included \$21.6 million in the City's cash reserves and \$8.9 million in operating cash. The electric regulatory liability carried a credit balance of \$1.2 million and the regulatory liability would be settled in the upcoming RSA adjustment in 2019.

He noted as part of the New Castle County budget, New Castle County Council voted and approved a 12% sewer increase last week, which would also impact the rates that the City of Newark paid to New Castle County so that was going to be about a \$564,000 hit to the expense line on an annualized basis. Half of that would catch up with this calendar year in 2018. So, per Code, the City would be adjusting the sewer rates to meet the rate that the County charges the City as well. They could collect and pass along that charge to the county. It was not official yet. To be official, they needed a signed deal from the County Executive, so he would not anticipate making any change at this point. On May 29, the County was holding a special meeting to discuss the potential tax increase on all County residents impacting City residents as well here. The counter proposal was a 15% tax increase, but they were looking to give all residents a one-time 7.5% credit on a new tax bill. So, the result of that would be a 7.5% tax increase for all County residents. He would pass along the information as soon as it became available. He noted there were a few "pass alongs" coming through from the County that would impact City of Newark residents.

Mr. Markham opened the discussion to questions from the table.

Mr. Morehead said it was mentioned in the February documentation about the sewer regarding the \$564,000 but then in the next sentence Mr. Del Grande said the City sewer rate would automatically change if the county passed a fee. He asked if it automatically changed, how did Newark take a hit. Mr. Del Grande said the County rate would change effective July 1 and on an annualized basis, the City pays about \$4.7 million a year to the County for sewer treatment. A 12% increase annualized is about \$564,000 half of that is \$282,000 to effect 2018, assuming they stayed on budget. Mr. Coleman said Mr. Del Grande was speaking "we" as in the collective "we", the City, will take a hit not necessarily the budget because there would be offsetting revenue to cover it. Mr. Del Grande confirmed that the City rate would change in July. Mr. Morehead asked to be more careful with this as he did not see how they could say the impact would be \$564,000 to the City of Newark. Mr. Del Grande said the City spent \$4.7 million last year and using that assumption he multiplied it by 12%. Mr. Morehead said he understood, but there was an offsetting revenue increase. Mr. Del Grande agreed and noted their expenses were going up by \$564,000 and they would have revenue to offset that. He said this was the County portion of the sewer bill and he believed it was approximately \$8.00 per thousand gallons so however that was broken down between flow, BOD, which is biological oxygenated demand, and suspended solids. Those three components would change so that \$8.04 would become something different, \$9.00-\$10.00. He would have to go back and verify what the percentages belongs to what. Mr. Morehead said there was an impact to residents but not to the City's budget per se because there was a cost offset with the revenue.

Mr. Hamilton asked how this would be advertised to the residents that there would be a sewer increase. Mr. Del Grande said as soon as it was official they would be working with the City's communications group to get that information out.

(Secretary's Note: Ms. Sierer returned and resumed chairing the meeting.)

Mr. Markham asked if the 12% reflected actual cost changes in the County or were they making up for revenue. Mr. Del Grande said there is a portion of the total sewer revenue necessary for the County. A portion of the sewer fees collected by the County. So hypothetically speaking, if they had a \$70-\$75 million sewer budget, about \$55-\$60 million would be coming from sewer fees. The City of Newark was a contract user with the County, so they paid a reduced rate because they had their own collection system; but they incorporated about 5% of the County's entire sewer flow which went to the treatment plant. They were a portion of 5% of the total flow. On May 30th, City staff would be meeting with the County to discuss its sewer contract, so they would be having some discussions on certain items that made up their bill. The contract was well over 40 years old and needed to be renegotiated.

Mr. Markham asked if Mr. Del Grande had any additional concerns. Mr. Del Grande said he was comfortable with the estimates they put together in the utility budget on electric, water and sewer. He noted he had some reservations with the past month of April due to all the rain. He did not have final numbers yet for water sales in April, but he did have a feeling they were going to be a little bit lower just since it felt like it had rained every day since Christmas. He did not have any worries about electric and sewer tended to follow water sometimes, but it also had some different numbers and sets of customers. It could also vary as well on its own.

Mr. Markham asked if there were any renewable home energy projects in the pipeline that he was aware of. Mr. Del Grande said there was one that had been approved and pending and that was reflected in the documents provided.

Mr. Markham said he liked the charts in general, but the only thing was the minimums and maximums were huge in some areas and would never be outside the chart. Mr. Del Grande said when looking the electric on page 18, it was so thin because they had the RSA process because if it was over collected they distributed back those over collections to the rate payers. For that reason, water and sewer they were under collecting historically and the swings were so wide based on environment. Mr. Markham said he was not certain what his preference was because electric being so thin did not provide much information. Mr. Del Grande said when looking at the last three years 2015-2017, when adding water and sewer revenue combined, only 94% was collected of what was budgeted to collect so that was \$3 million in lost revenue to the City combined over the last three years between water and sewer, which could have helped with capital projects. Mr. Markham liked the first part of the chart but was not sure where to go with the graphs because he was not sure how much information it provided.

Mr. Hamilton asked when the update to smooth out the water, sewer, electric with the change with the rate plan would be. Mr. Coleman said for the electric rate study he asked Electric Director Patel to investigate getting pricing that could be added to the 2019 budget to have a consultant do a rate design on the electric side. It was more complicated than the water and sewer rate study. On the water and sewer side, it was staff's intention to look at potentially doing their own rate analysis internally through the fall to be concurrent with the budget. Mr. Morehead said information provided at the DEMEC meeting was that the rate studies only worked when the change was implemented over time slowly with a maximum of 2%.

There was no public comment.

MOTION BY MR. MOREHEAD, SECONDED BY MR. MARKHAM: TO ACCEPT BOTH FEBRUARY AND MARCH 2018 FINANCIAL STATEMENTS.

MOTION PASSED. VOTE: 6 to 0.

Aye – Clifton, Hamilton, Lawhorn, Markham, Morehead, Wallace.

Nay – 0.

Absent – Sierer.

23. 9. **ORDINANCES FOR SECOND READING & PUBLIC HEARING:** None.

24. 10. **RECOMMENDATIONS FROM THE PLANNING COMMISSION AND/OR PLANNING & DEVELOPMENT DEPARTMENT:**

- A. Request of Fusco Enterprises LP for a Minor Subdivision to Develop 1.7677+/- Acres to Combine Two Existing Parcels into One Parcel and Construct a 2,500+/- Square Foot Structure Located at 1335 and 1365 Marrows Road

02:38:45

MOTION BY MR. CLIFTON, SECONDED BY MR. MARKHAM: THAT THIS BE THE SECOND READING AND PUBLIC HEARING OF THIS ITEM.

Ms. Gray noted this was a request for a minor subdivision for a rental car business located at 1365 Marrows Road. The Planning Commission unanimously recommended approval at their scheduled-on April 3, 2018.

Michael Hoffman stated he was present on behalf of the owner applicant. This was a proposed minor subdivision. The applicant was proposing a lot combined with a new 2,500 square foot building. Frank Vassallo, IV of Fusco Management was present, as well as Jennifer Murphy of CDA Engineering and Sal Bwint of Architectural Alliance. Mr. Hoffman said that they were seeking a combination of two parcels. Collectively, both parcels totaled about 1.8 acres of land. Currently, the northern parcel was improved with the existing KFC restaurant and the southern parcel was vacant with some impervious coverage. Mr. Hoffman showed a map of the area. The parcels were both zoned general business, BC. They were adjacent to the College Square property on the south which was zoned central business, BB. Mr. Hoffman showed some prospective shots of the project. He was proposing to combine the two parcels and improve it with the 2,500 square foot building which would be a car rental business. They were proposing landscaping on the property which included trees along Marrows Road. Altogether, the two parcels with the improvement would require 58 parking spaces, they were proposing 104.

Mr. Hoffman stated that the rendering he showed to Council did not show the trees along Marrows Road. The design also did not show stone running up the corners of the building which they were proposing. The idea behind the materials and the color scheme was to match the existing College Square redevelopment. For the interior floor plan, there was a proposed interior wash bay and offices. They had submitted a lighting plan which would be consistent and directed onsite to reduce spillover. Mr. Hoffman pointed out that they were proposing to reduce the impact of stormwater management by 30% as was required. While this was a vacant property, it did include a fair amount of impervious coverage. It was an untreated site as far as stormwater management that they would now be treating. He felt there was a benefit to the area for stormwater management.

Mr. Hoffman advised there were existing easements. He showed an easement that the private property owner had granted to the State and an easement that the State had granted to the private property owner. Mr. Hoffman said this would remain unchanged. There were also cross-easements for the site for circulation and access which would be maintained. Mr. Hoffman shared that he had received a letter of no contention from the Department of Transportation. There was no issue from DelDOT on this plan.

Ms. Sierer opened the floor to discussion and questions from Council.

Mr. Clifton noted that the letter from the Planning Department stated this was a minor subdivision for the property located at 0 and 1365 Marrows Road. He asked if that should be 1335. Mr. Hoffman answered that it was currently 0. They were proposing that the parcel be renumbered 1335. Mr. Clifton asked if they were using underground igloos or any kind of technology for stormwater management. Mr. Hoffman said there was an underground system. Ms. Murphy explained this was a StormTech underground stormwater detention system. It was the same product as the half shells. Mr. Clifton shared that neighbors told him after the project at 257 East Main Street that a lot of stormwater issues went away. There was more asphalt there than there had been before, so Mr. Clifton believed the system worked well.

Mr. Clifton asked if this was moving a site from Cleveland Avenue to Marrows Road. Mr. Hoffman was not sure if this was a new location or a relocation. Mr. Vassallo said it was proposed to be an Enterprise Rent-A-Car business, but he was not sure if it was a new location or a relocation. Mr. Clifton looked at the slides of the trees that were proposed. He pointed out that there were sometimes restrictions on tree heights due to electric lines. Mr. Hoffman saw there were some electric lines. He explained that DelDOT was very specific as far as regulating types of trees and ensuring there were no issues. He expected that to be the same for this project. Mr. Clifton felt that comparing the architecture of this building to what had been done at College Square was a bit of a stretch.

Mr. Markham asked if the developer would be considering pervious pavement rather than asphalt. Ms. Murphy answered that it was gray asphalt. Everything would be held under the StormTech

system and drain to that central system. She said they were not considering any special pavement system. Mr. Markham asked if they would consider it. He felt it was great they were improving it but thought it would be great to go a step further. Ms. Murphy shared there had not been a lot of success on recent projects for the University. There was a lot of salt on the porous pavements and it was difficult to maintain. She felt they did not get as much value as they did with the underground systems. It came down to the owner/operator use with a long-term maintenance issue. Mr. Markham asked Mr. Coleman where the City stood on pervious pavement. Mr. Coleman responded that there were a few projects in town that had done pavers. He said there were none that were in a parking lot like this project. There was a fire lane at One Easton. Mr. Markham asked if they were successful and holding up. Mr. Coleman said they were, but they saw much less use than this by design. Mr. Coleman specified they were not against them and would work with the designer on anything. Mr. Markham asked that they consider it. He felt it did not have to be for the whole project, but it was nice to see these things happen in the City.

Mr. Markham noted there would be traffic coming with this area and there were no traffic lights. He asked how they expected people to get in and out and how many cars during which hours they were expecting. Mr. Hoffman said that as far as traffic flow and access, easements remained intact to provide cross access. There was also cross access through the site. As part of the DelDOT letter of no objection process, they did look at trips and trip impact and deemed this to be a low trip impact area. It was certainly lower than the threshold for any traffic impact study or traffic operational analysis. Mr. Hoffman did not have specific trip generation figures. He estimated it would be below 500 daily and 50 trips in peak hours to not trip the threshold. Mr. Markham asked if car rental agencies had times of the day that the traffic was significantly higher than others. Mr. Hoffman noted the question was whether the project here would contribute in those peak hours. Mr. Hoffman could not begin to estimate what those trips would be. He would not expect them to have a specific peak. DelDOT considered things in terms of AM peak and PM peak. Mr. Hoffman would not expect that at this location.

Mr. Markham asked if there were parking spaces available to have cars parked in evening hours. Mr. Vassallo said the user had indicated they parked approximately 30 cars and needed spaces for 30 vehicles always. Outside of that, he was not sure. Mr. Vassallo said there was a sales location elsewhere and this was going to be the rental location which were two distinct models. Mr. Hoffman thought it would vary based on demand and uses. They had not provided a specific number of cars that would be parked there at any given time. Mr. Markham said he had asked that because the Planning Commission had a Parking Subcommittee that had been looking at options for the City for places to be able to park. He was curious to see if there was extra space that could be used for businesses in the future. Mr. Hoffman said that Mr. Vassallo and his company also owned the College Square property. They were willing to engage in that conversation as a member of the community.

There was no public comment.

MOTION BY MR. CLIFTON, SECONDED BY MR. MARKHAM: TO APPROVE THE REQUEST OF FUSCO ENTERPRISES LP FOR A MINOR SUBDIVISION TO DEVELOP THE 1.7677 ACRES +/- TO COMBINE TWO EXISTING PARCELS INTO ONE PARCEL AND CONSTRUCT A 2,500 SQUARE FOOT STRUCTURE LOCATED AT 1335 AND 1365 MARROWS ROAD.

Mr. Markham asked if they needed to include that this was with subdivision advisory committee conditions. Ms. Bensley advised that any conditions that were not already met by the developer that were in the subdivision advisory comments appeared in the agreement. Ms. Bensley said there was one minor change that needed to be made to the resolution. There was a typo in the first paragraph where it said, "for the major subdivision." It should have said, "for the minor subdivision." Ms. Sierer stated that one thing on the table was to accept this project as listed in the agenda. Ms. Sierer asked if Mr. Clifton was fine with changing the word "major" to "minor" in the resolution. Mr. Clifton said he was.

MOTION PASSED. VOTE: 6 to 0.

Aye – Clifton, Hamilton, Lawhorn, Markham, Morehead, Sierer.

Nay – 0.

Absent – Wallace.

25. 11. ITEMS SUBMITTED FOR PUBLISHED AGENDA:

A. Council Members:

- 1.** Discussion and Potential Direction to Staff Regarding the City Manager Search Process – Councilman Lawhorn

02:57:14

Mr. Lawhorn requested Council include some senior level employees in the City Manager interview process. He thought these employees provided value specific to their expertise and information in the decision-making process. As Council was trying to identify the best candidate for the job, he felt the more information they had the better. Getting employees' feedback would help to make this important decision. Mr. Lawhorn recognized that there was concern of direct reports picking their manager. At this level of position, he did not think that should be an issue. He also pointed out the employees would not be taking part in the selection of the manager. This was an opportunity for the employees to write a report with their feedback and pass that on to Council. The decision still rested with Council members.

Mr. Lawhorn suggested that Mr. Coleman be included due to the fact that he had been performing the job for the last year and given his experience in the Public Works Department due to all the projects that were ongoing there. Mr. Lawhorn suggested also including Ms. Bensley because she was the expert on City Code and managed all administrative aspects of the City. Mr. Lawhorn also felt that there was a male-dominated interview team and it would be valuable to have another female perspective. Mr. Lawhorn felt that Mr. Del Grande would get an opportunity to see the potential candidates' experience, ideas and vision about the approach to finances in the City. The last employee Mr. Lawhorn suggested was Mr. Farrall. This was due not only to his HR knowledge and expertise but also for his experience with the Police Department. Mr. Lawhorn pointed out the Police Department was a large portion of the organization and it would be beneficial to get their feedback. Mr. Lawhorn reiterated that he was not suggesting employees participate in the selection, but just provide feedback.

Mr. Clifton did not know if he agreed with this. He felt this did cross the line, even if it was just the optics of it, in the public perception that Council was letting staff pick their boss. He thought that this publicly did not have the best optics. He also questioned the selection of these employees. There were three department heads and Mr. Clifton thought it was disingenuous to the other department heads to say that Council valued certain opinions but not others. Mr. Clifton noted that Mr. Farrall was the Acting Deputy City Manager but Chief Tiernan could also be a representative of a police perspective. He thought it did not serve as the best message to other department heads and directors. He thought all department directors had diverse experience, just as all of Council did. Mr. Clifton had given this a lot of thought and he did not know if it was something he could support.

Mr. Markham was not sure he had strong feelings either way. His initial feeling when reading this had been that he was not in favor. However, as he reread it, he understood there was valuable input as well as perception. He was not going to be the tie-breaker as he could go either way.

Mr. Morehead would not be supporting this. He felt Council had the legal responsibility to make this decision. Mr. Morehead agreed with Mr. Clifton that to choose some people and not others said that Council valued some opinions but not others. He also pointed out that Mr. Farrall had been in his acting position less than three weeks. Mr. Morehead thought this was a bad idea.

Mr. Hamilton was puzzled by the selection. He thought it had been expressed that this was not necessarily the best idea. He thought there had been an opportunity for staff to give feedback and ask questions in the overall questions posed to the public. He felt that this had been an opportunity to provide feedback and have their input be part of the decision making.

Ms. Sierer would be interested in supporting this suggestion. She thought it was important. She believed that this had been discussed with some staff members and it was not a surprise that their name was on the list. She would respect their recommendations or thoughts on who might be included if the process moved forward. Ms. Sierer did not have a concern with the selections. Ms. Sierer thought this may be worthwhile to try. It had not been done in the past. She felt that employees' input could not hurt Council in gaining insight in what they saw with the candidates. Ms. Sierer also felt it could certainly be explained to the public that the employees were not part of the decision-making process. That would take care of the perception issue that City staff was part of the decision-making process on Council hiring a City Manager. Without a doubt, Ms. Sierer felt that Ms. Bensley should be part of the process as she worked for City Council and with the City Manager. If they wanted a team effort, Ms. Sierer thought it was important to get insight from the people that Council worked with for years. She would support this idea.

The Chair opened the floor to public comment.

John Morgan, District 1, shared his perspective as a faculty member of the University. He was not speaking for the University but noted he had been at the University since 1981 and had witnessed and participated in several searches for department chairs, dean and provosts. He knew that faculty would be very upset if nothing was done to solicit their opinion about who should be a department chair. He would say that he was not concerned at all about the idea of direct reports having some input into the process.

Dr. Morgan did agree with Mr. Clifton's point that one should not have a short list like this. He felt that they needed to be soliciting very broadly and not just department heads. Dr. Morgan thought they should be soliciting opinions from all employees. They did not need to identify themselves individually by name but could identify themselves by department head or lower-level employee. It could be done anonymously so that people could be frank. Dr. Morgan thought it was very important that the people whose input was being solicited not currently be or later become candidates for the next City Manager. He thought that would create the perception of an inside job. He would suggest having a revised version of this to consider at the next Council meeting.

Carol McKelvey, District 4, shared that she and her husband had run a dental office in Pike Creek. She said that one of their concepts was that they were a team. It was important to them that they operated with a great deal of mutual respect and mutual understanding of the vision. She thought vision was important and people agreed to work for the vision. She felt that she and her husband were leaders but could not accomplish it all themselves. She had never hired without having their staff participate fully in giving recommendations. They would not make the selection, Dr. and Mrs. McKelvey made the final selection of who was hired. They had valued the staff so much that their recommendations were important to them and they influenced decision making.

Mr. Del Grande shared that when he had come to Newark as the Finance Director, he and several other finalists had been given a case study for the City and had given a 15-minute presentation on the case study in front of the entire management team. He was not sure about the scoring aspect, but it ultimately showed two things to Mr. Del Grande. One, that the applicant considered the job important enough to spend the time to prepare a case study for his or her potential employer. Two, it proved the worth of the candidate that they understood what they were applying for and were not just looking for the title or salary. His opinion was that this would resolve two issues. One was getting the feedback of the management team where the score sheet would be collectively tabulated across the board. Mr. Del Grande noted that Ms. Bensley was a valuable member of the group and that her input would be important on a higher level. Mr. Del Grande thought that Mr. Coleman could fall under that category as well since he had been working that position for a year now. Mr. Del Grande thought that for the rest of the management team to understand what and who was involved was a good thing.

Mr. Morehead loved this idea. He wished it had been suggested earlier in the process as he felt it could have been incorporated easily and it was now difficult to incorporate. He was sorry they were missing that. Mr. Morehead would say that they had opportunities for all the public to provide input. They had a format they had agreed upon and contracted with a search firm to have public input. Mr. Morehead would have loved to include that idea if it had been possible.

Ms. Bensley advised one of the things that had not been set in stone yet was the list of events that would go on around the second round of interviews. There had been a general set up of an event for the public, an event for employees then interviews with Council, however, it had not been fleshed out what that all meant. There was still time if Council wanted to change some things around those parameters to have flexibility with that. Ms. Bensley noted that the consultant would be present at the next Council meeting and it may be a good time to hammer out those ideas and what exactly Council wanted out of that second round of the interview process. Ms. Sierer asked if Ms. Bensley was saying there was still an opportunity to incorporate this idea into the second round of interviews so that staff could hear those presentations and be part of the process. Ms. Bensley thought that Council still had the opportunity to craft what they wanted that to look like. Whether that was a general meet and greet for all employees, presentations to management staff or presentations open to any employee. That was something Council could decide. Ms. Bensley pointed out they were still two months out from that process. It had not been presented to the candidates in any type of final manner. There was still flexibility.

Mr. Lawhorn wished to clarify what the management review would be. Mr. Del Grande explained that when he was a finalist for his current position, all candidates were given the same case study to prepare for and provide a 15-minute presentation. It happened to be related to creating a stormwater utility. He had presented this to about 30 people. He was not sure how the scores were kept but this had been used as the final methodology to weed out the candidates. Mr. Lawhorn asked whether the management team would then provide a report to Council with their input. Mr. Coleman answered that they had summarized all their tabulations. Ms. Bensley added that they each gave numerical scores to each of the presentations. All the management scores had been put together. Mr. Clifton asked whether this was management meaning department heads or if this meant management in a more holistic sense. Ms. Bensley said it was management in a holistic view; it was not just department heads.

Ms. Sierer asked if there was consensus from Council for that to be looked at for events going forward with the consultant. Mr. Morehead could support that if it took place at an open meeting for the

public to be included, all management and Council. Mr. Hamilton agreed with that. He asked if there were any FOIA issues. Ms. Bensley said that FOIA was only involved if Council was involved. If it was just presentations to the management team, it was not a FOIA issue. Ms. Sierer asked if there would be opportunities to meet the public. Ms. Bensley said there would. Ms. Sierer suggested that they charge Ms. Bensley with talking to the consultant and getting her suggestions. Ms. Bensley commented that as the only other employee hired by Council, she found it valuable during the interview process that there were members of Council and members of the management team on the interview panel. The first reason was that while Council were the people who hired her, they did not have direct experience with her job. She found it valuable as a candidate to be able to ask questions in the interview of people who employees of the City were and could give her a better perspective of what the job would take and what it would take for her to be successful in that job. The second reason was that it was a challenge to be an employee that reported to seven people. She thought any candidate they got for this position would likely have had experience reporting to many people before, as they would likely have city management experience. She thought there was value in getting perspectives of the organization from people other than just the people that the candidate would be reporting directly to. Based on opinions at the dais, Ms. Bensley noted they were likely not deciding to go with the proposal on the agenda. She did ask that Council consider that, to find someone that the City would have a successful relationship with for several years, they be able to get the widest perspective they were able to of what the job would entail.

Mr. Coleman was certain that with the most recent recruitment, the candidates met with department directors to be able to ask questions of them as well. He thought that may be something to consider scheduling. This way the candidates would be able to interview department directors to see how the City worked. Mr. Morehead did not recall that. Mr. Clifton thought it had been a more informal meeting, rather than one on one. Mr. Clifton thought this may have some legs to it. He also felt that he would be immensely upset by the climate survey if someone's identity were to be breached. He thought it would be up to Mr. Coleman to be confidential filter for all the management team. It would be up to him to confidentially capture what came out of the room. Mr. Clifton felt it was a good idea. He noted that whoever was selected for this job could be speaking before the state legislature and there was value in finding out what that person was about.

Mr. Lawhorn was trying to make the point that he would value their feedback and their input. The employees were the experts in their subject matter and had experience working in a municipality where Council members did not necessarily have that experience. Mr. Lawhorn felt it was Council's responsibility to take that perspective and pile it on with everything else from the interview process to come to a decision. He would prefer to do it this way. He had picked four people and tried to paint a broad brush in different experiences and different areas. If Council was not agreeable to doing that, he personally thought it was a mistake. He thought this was valuable information and that the more information, the better chance of hiring a successful candidate. If Council was not in consensus with that direction, Mr. Lawhorn thought a fair compromise may be to do the next idea of having a presentation in front of management and management presenting a score. That was not really what he was looking for. He wanted employees' feedback on the candidates. He wanted Mr. Coleman's feedback on his or her ability to understand the projects going on in the Public Works department, for example. He did not think Council got that information through a point system.

There was some discussion regarding the wording of the motion.

MOTION BY MR. LAWHORN, SECONDED BY MR. MARKHAM: TO DIRECT STAFF TO WORK WITH GOVHR TO PROVIDE OPTIONS TO COUNCIL FOR GETTING EMPLOYEE FEEDBACK ON THE FINAL CANDIDATES IN THE SECOND ROUND PROCESS FOR INTERVIEWS.

MOTION PASSED. VOTE: 4 to 2.

Aye – Clifton, Lawhorn, Markham, Sierer.

Nay – Hamilton, Morehead.

Absent – Wallace.

26. 11-B. Others: None

27. Meeting adjourned at 10:33 p.m.

Renee K. Bensley, CMC
Director of Legislative Services
City Secretary

/tas/sjc